

DEPARTMENT OF WORKFORCE DEVELOPMENT

Division of Workforce Solutions Bureau of Workforce Programs

TO: Economic Support Supervisors

Economic Support Lead Workers

Training Staff

Child Care Coordinators

W-2 Agencies

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BWP OPERATIONS MEMO

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Non W-2 [X] W-2 [X] CC [X]

PRIORITY: Medium

SUBJECT: THE CHILD CITIZENSHIP ACT OF 2000

EFFECTIVE DATE: February 27, 2001

PURPOSE

This memo provides information about the Child Citizenship Act of 2000 and the correct coding of citizen status in CARES.

BACKGROUND

Effective February 27, 2001, some foreign-born children, including adopted children, residing permanently in the United States acquire citizenship automatically if at least one custodial parent is a citizen.

POLICY

To be eligible, a child must meet these requirements:

- 1. Have at least one US citizen (by birth or naturalization) parent
- 2. Be under 18 years of age
- 3. Be currently residing permanently in the US in the legal **and** physical custody of the US citizen parent
- 4. Be a lawful permanent resident
- 5. If the child is the adoptive child of the US citizen parent, the child must also meet the requirements applicable to adopted children under the Immigration & Nationality Act [Section 101(b)(1)].

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Acquiring citizenship automatically means citizenship is established by law without the need to apply for citizenship.

1. A child who was/is **under** the age of 18 **on or after** February 27, 2001 and who meets all of the above requirements acquired citizenship automatically on February 27, 2001.

2. This policy is not retroactive to aliens who were 18 years or older **on** February 27,2001 do not qualify for automatic citizenship. If they choose to become U.S. citizens they must apply for naturalization and meet eligibility requirements that currently exist for adult lawful permanent residents.

VERIFICATION

Proof of citizenship will not be automatically issued to eligible children.

If proof of citizenship is desired, beginning February 27, 2001, parents of children who meet the conditions of this policy may apply for a certificate of citizenship for their child with Immigration & Naturalization Service (INS) and/or for a passport for their child with the US Department of State.

If the client does not present one of these documents, caseworkers can make a determination of derivative US citizenship based on evidence of one parent's US citizenship (including naturalized citizenship). However, encourage parents to obtain official documentation to avoid future problems for the child.

CARES

Review and update ANAR for all affected household members at the eligibility review for each program. In this case, ANAR must be end-dated and deleted to reflect the end of the alien status. ANDA will automatically change the "U.S. Citizen" field from "N" to "Y".

A report will be sent to each county which contains information on Food Stamp recipients in which at least one parent in the household is a citizen and a minor child (ren) is identified as a non-citizen. Please review the citizenship status to determine if they meet the above criteria and update CARES accordingly.

Correct entry of citizenship information is essential for the correct determination of eligibility for benefits.

CONTACT

DES CARES Information and Problem Resolution Center

Email: <u>carpolcc@dwd.state.wi.us</u> Phone: 608-261-6317 (Option #1)

Fax: 608-266-8358

Note: Email contacts are preferred. Thank you.